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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA,)	No. CR 15-00314 YGR
)	
15 Plaintiff,)	STIPULATED MOTION AND ORDER SETTING
)	STATUS CONFERENCE AND EXCLUDING
16 v.)	TIME UNDER SPEEDY TRIAL ACT
)	
17 JOSHUA JOSEPH MARTINEZ,)	
)	
18 Defendant.)	
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28 STIPULATED MOTION AND ~~PROPOSED~~ ORDER SETTING STATUS CONFERENCE AND EXCLUDING TIME
UNDER SPEEDY TRIAL ACT
NO. CR 15-00314 YGR

1 The United States of America (hereinafter “the government”) and Defendant Joshua Joseph
 2 Martinez (hereinafter “Defendant”) (collectively “the parties”) last appeared before the Court in the
 3 above-captioned matter for a status conference on March 4, 2016. [Dkt. No. 43.] At that time, the Court
 4 set April 14, 2016 as the date for a hearing on Defendant’s motion for disclosure of the confidential
 5 informant and excluded time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 between March 4, 2016
 6 and April 14, 2016. *Id.* Defendant filed his motion for disclosure of the confidential informant on
 7 March 10, 2016, thereby tolling the clock for Speedy Trial calculations. [Dkt. No. 45.] On March 16,
 8 2016, the Court issued an order referring the case to Magistrate Judge Kandis A. Westmore for all
 9 discovery matters, including defendant’s motion for disclosure of the confidential informant. [Dkt. No.
 10 48.]

11 This matter came before Honorable Kandis A. Westmore for a hearing on Defendant’s motion
 12 for discovery regarding the confidential informant on April 29, 2016. [Dkt. No. 63.] The Court issued
 13 its order on Defendant’s motion on May 3, 2016. [Dkt. No. 65.] No further dates have been set before
 14 the Court in this matter. Accordingly, the parties respectfully request that a status conference be set on
 15 Thursday, May 19, 2016 to discuss the status of this matter with the Court and set a trial date.

16 The parties also move for an exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. §
 17 3161. As set forth above, time has been properly excluded from the Speedy Trial Act calculations from
 18 March 10, 2016 (the date of the filing of the motion) through May 3, 2016 (the date of the Court’s
 19 disposition of the motion), pursuant to 18 U.S.C. § 3161(h)(1)(D). The parties therefore stipulate and
 20 agree that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D), time is properly excluded from
 21 March 10, 2016 to May 3, 2016 and respectfully requests an Order from the Court documenting the
 22 same.

23 In addition, the parties move for an exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C.
 24 §§ 3161(h)(7)(A) and (B)(iv) between May 3, 2016 and May 19, 2016 (the date requested for the status
 25 conference) so that defense counsel may further investigate this matter, review discovery, and confer
 26 with the defendant, taking into account the exercise of due diligence. The specific reasons for this time
 27 exclusion are as follow: First, in approximately early April 2016, defense counsel advised the

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1 government that Defendant would be seeking to reweigh and retest the purity of the methamphetamine
 2 at issue in the captioned Indictment. Since then, the parties have been evaluating the proper approach
 3 for the defendant's inspection of this evidence in consultation with their respective experts and have
 4 exchanged drafts of stipulations regarding defense reweighing and testing of the controlled substance
 5 and chain of custody. At this juncture, the parties have not yet reached an agreement regarding the
 6 procedures that will be followed regarding reweighing and retesting of the methamphetamine but
 7 anticipate that they will enter into a stipulation before May 19, 2016. Second, the government has
 8 recently obtained enhanced copies of the video recordings previously produced to the defense in
 9 discovery. The government sought enhancement of these recordings to improve the quality of the audio.
 10 Copies of the enhanced recordings will be produced to the defense this week. For these reasons, the
 11 parties stipulate and agree that pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
 12 (B)(iv), time is properly excluded from May 3, 2016 to May 19, 2016 and respectfully requests an Order
 13 from the Court documenting the same.

14 SO STIPULATED.

15 Respectfully submitted,

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 17 DATED: May 11, 2016

BRIAN J. STRETCH
 United States Attorney

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 19 /s/
 20 CLAUDIA A. QUIROZ
 Assistant United States Attorney

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 22 Dated: May 11, 2016

23 /s/
 24 SHAFFY MOEEL
 Attorney for Defendant Joshua Martinez

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 28 STIPULATED MOTION AND ~~PROPOSED~~ ORDER SETTING STATUS CONFERENCE AND EXCLUDING TIME
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ORDER

For the reasons stated above, the Court hereby sets a status conference in this matter on May 19, 2016 at 2:00 p.m.

In addition, with the agreement of the parties, and with the consent of the defendant, the Court enters this order documenting the exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D) from March 10, 2016 to May 3, 2016 and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) from May 3, 2016 to May 19, 2016. In light of the circumstances set forth above, the Court finds that the ends of justice served by excluding the period from May 3, 2016 to May 19, 2016 from Speedy Trial Act calculations outweighs the interests of the public and the defendant in a speedy trial by allowing for the defense to prepare effectively, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS HEREBY ORDERED that:

A Status Conference in this matter is set on May 19, 2016 at 2:00 p.m.

IT IS FURTHER ORDERED that:

With the consent of Defendant Joshua Martinez, the period from March 10, 2016 to May 3, 2016 is excluded as a result of a delay resulting from the filing of the defendant's motion for discovery relating to the confidential informant through the disposition of such motion, pursuant to 18 U.S.C. § 3161(h)(1)(D).

IT IS FURTHER ORDERED that:

With the consent of Defendant Joshua Martinez, the period from May 3, 2016 to May 19, 2016 is excluded from the Speedy Trial Act calculations for effective preparation of counsel, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: May 17, 2016



HONORABLE YVONNE GONZALEZ ROGERS
United States District Judge

Attestation of Filer

In addition to myself, the other signatory to this document is Shaffy Moeel. I attest that I have her permission to enter a conformed signature on her behalf and to file the document.

DATED: May 11, 2016

_____/s/_____
CLAUDIA A. QUIROZ
Assistant United States Attorney